App. F. IX-4

1940

193 .

( )

File No. 91-40

Serial Nos. 3-4

Previous References

Ch. 159-37 (1-3) Comb

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two only

Part B for November 1940

SUBJECT.

Empowering Second Magistrate Bangalore to Commit all cases arising within his jurisdiction and also those arising in Bangalore City for trial by the Court of Sessions

From
The Registrar High Court
Roc No 295/40-41 Dy 24. 10. 1940

Recommends that the Second Magistrate of Bangalore may be empowered to Commit all cases arising within his jurisdiction and also those arising in Bangalore City for trial to the Court of Session.

Submitted with References and a draft of a Notification for approval or other orders

may be approved

31/10

(Law Secretary) 3 1/11/40

(I Member) Hm 2 2/11/40

3 2/11

T. Shamiengar, Esq., B.A., B.L.,
~~A.xSundararajaxRao, Esq., B.A., B.L.,~~
~~S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,~~
Registrar, High Court of Mysore.

To

H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to Government,
Law Department, Bangalore.

SIR,

I am directed to state that in the judgment in Criminal Appeal No.5/40-41 on the file of the High Court it was noticed that there had been great delay in the City Magistrate's Court, Bangalore, in committing the accused for trial to the Sessions Court.

The Judges of the High Court are of opinion that the City Magistrate of Bangalore, whose work is heavy, ought not to be burdened with committal cases. A Second Class Magistrate can hold inquiries under Chapter XVIII, C.Cr.P., if empowered, and over a large part of India all such inquiries are held by Second Class Magistrates. But the second Magistrate of Bangalore has not been so empowered since his Court was reduced to a second class Court (vide Government Notification No.P.5100/Cts.159-37-3, dated 11-3-38).

I am, therefore, to recommend that the Second Magistrate of Bangalore may, by virtue of office, be empowered under Section 206, C.Cr.P. to commit all cases arising within his jurisdiction and also those arising in Bangalore City to be transferred to him by the District Magistrate, Bangalore for trial to the Court of Sessions.

I have the honour to be,

Sir,

Your most obedient servant,

T. Shamiengar

Under Section 39 of the Code of Criminal Procedure 1904, Govt are pleased to empower the Magistrate appointed to the Charge of the Court of the ~~Cccc~~ ~~Of~~ ~~the~~ Second Magistrate by virtue of his office Bangalore, to Commit Under Section 206 of the said Code all Cases Arising Within his jurisdiction and all those arising in Bangalore City to be transferred to him by the District Magistrate Bangalore District, for trial to the Court of Sessions

By Order

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. [illegible]
C.-A1-40-4

NOTIFICATION

Under section 30 of the Code of Criminal Procedure 1898, Government are pleased to empower the Magistrate exercising the charge of the Court of the Second Magistrate, Bangalore by virtue of his office to exercise under section 123 of the Code of Criminal Procedure within the jurisdiction and all cases which may hereafter duly be transferred to him by the Additional Magistrate, Bangalore District, for trial to the Court thereof.